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54 Century Lane
Montross, Virginia 22520
April 14, 2004

Secretary
Federal Communications Commission
Washington, D.C. 20554

IN RE: RM-10867

Dear Sir or Madam:

The Commission has requested comments on RM-10867, a complex and wide-ranging petition filed in January by the American Radio Relay League (ARRL). In part, the filing incorporates by reference an earlier League submittal (RM-10413) filed in March 2002, and in this regard reflects to a considerable extent my own petition (RM-10354) filed in April 2001 and released for comment in December 2001. The following comments are made in this context.

1. It is extremely unfortunate that the Commission failed to act on RM-10354 and RM-10413 between the time they were filed (April 2001 and March 2002) and the filing, in January 2004, of the new ARRL petition. The delay in deciding these two petitions has resulted in an influx of petitions on unrelated issues in the amateur service, such as: (1) the contentious code/no-code dispute; (2) the question of reconfiguring the entry licensing requirements and privileges; and (3) the question of the content and make-up of license examinations.
2. The delay, while regrettable, need not—and should not—result in a Notice of Proposed Rulemaking that includes the two earlier petitions—RM-10354 and RM-10413, for several reasons. First, the issues raised in the two petitions have been thoroughly vetted over the past several years. No legitimate purpose would be served in requesting comments, once again, on the quite modest reallocation of the HF bands called for in the two petitions.
3. Second, not only does the ARRL support reallocating the HF spectrum to provide more opportunities for newly-licensed hams, as evidenced in RM-10413 (and re-stated in RM-10867), but now the National Conference of Volunteer Examiner Coordinators (NCVEC) has weighed in in support of a similar, but not identical, reallocation (RM-10870) as part of a much more comprehensive filing. (Again the Commission's glacial pace of rulemaking has resulted in docketing unnecessarily comprehensive and complex proposals.)

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4. The net result is that the initial proposal embodied in RM-10354 is now supported, both in broad detail and in surprising specificity, by the two most prestigious organizations representing radio amateurs. Further consideration is not warranted; immediate action is warranted.
5. The simple reallocations called for in the two petitions, RM-10354 and RM-10413, need to be distinguished from the separate questions raised in the later petitions. First and foremost is the question of a new name, accompanied by new licensing requirements, for entry-level hams. These are worthy objectives and should receive serious consideration by the Commission. Nevertheless, because of their novelty, these ideas should be subjected to a Notice of Proposed Rulemaking once the Commission registers its own take on them.
6. Similarly, the plethora of comments and petitions on the code/no-code questions need to be thoroughly vetted and should properly be considered in a Notice of Proposed Rulemaking.
7. Finally, the whole question of the content, scope and requirements of all of the radio amateur license examinations, including those for newcomers, is worthy of serious consideration by the Commission and of a Notice of Proposed Rulemaking.
8. As my petition noted three years ago, newcomers to the ham radio hobby continue to run into the unfortunate fact that serious limitations prevent a wholesome, useful experience on the HF bands which, to this radio amateur, is where much of the action is. The concept of broader HF privileges for new licensees is ripe for action. In view of the by-now-widespread agreement, further delay in rectifying this matter is not warranted. The additional issues that have been raised in the meantime should be dealt with separately and seriatim.

Specific Comments on the HF Reallocation Aspects of RM-10867

RM-10413, while representing a major step forward, did not address sufficiently the needs of new radio amateurs for a beginners' license that would allow them to obtain broad experience on the HF bands, particularly with reference to modes other than CW. In this sense, RM-10413 was incomplete.

RM-10354, on the other hand, was more comprehensive in scope, proposing both broader phone and CW privileges. Perhaps in recognition of the shortcomings of its earlier petition, the ARRL, in RM-10867, has proposed phone and data as well as CW privileges for newcomers on the HF bands.

With regard to CW privileges, RM-10867 unaccountably is more restrictive than its forebear. On 80 meters, for example, the ARRL has shifted from allowing CW privileges for newcomers to run from 3.525 MHz to 3.725 MHz to 3.55 to 3.7 MHz. A similar tightening of the CW privileges in the latest petition occurs in the 40, 15 and 10 meter bands. Also, no provision is made for operation on 30, 17, and 12 meters (see comments in next paragraph). The Commission should authorize the HF CW privileges proposed in RM-10413 and ignore the newer recommendations. Data modes as well as CW should be authorized in these subbands.

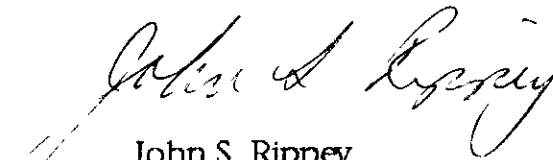
With regard to phone privileges, where RM-10413 was silent, RM-10867 is quite generous, going well beyond the privileges suggested in RM-10354. Nevertheless, the new phone privileges would NOT provide newcomers with access to the 30, 17, or 12 meter bands. These are bascially very useful secondary bands. If newcomers are restricted along the lines of this proposal, for example, there will be no place for them to run and hide on contest weekends. Again, the phone privileges vetted in RM-10354 make more sense.

Finally, unless and until the license requirements and structure are changed, there is no need to alter the present power output restrictions imposed on Novices, Technicians with code certificates, and Tech Plus licensees.

Summary

In summary, the Commission has before it in RM-10354 and RM-10413 a solid basis for giving newcomers to ham radio a meaningful set of privileges for operation on the HF bands. This reallocation has garnered wide support from radio amateur organizations. No change in licensing requirements is needed to accomplish this worthy goal. The Commission should move ahead promptly with a final rule based on these two petitions.

Issuance of one or more Notice(s) of Proposed Rulemaking can then follow with regard to the numerous other complex issues raised in more recent petitions.



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